REMARKS

Claims 1-19, 21-29, and 31-35 were pending in the present application, with claims 20 and 30 previously canceled. In the above amendments, claims 1, 10, 11 and 21 are amended. No new claims are added. No new matter is added by way of the claim amendments.

Applicants submit that entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) clarify the claims in order to place the application in condition for allowance, as discussed below; (b) do not raise any new issue requiring further search and/or consideration; and (c) clarify the claims in order to place the application in better form for appeal, should an appeal be necessary. Entry of the amendments is thus respectfully requested.

After entry of the above amendments, claims 1-19, 21-29, and 31-35 remain pending in this application for reconsideration. Applicants believe that the present application is now in condition for allowance, which prompt and favorable action is respectfully requested.

Summary of the Office Action

In the Office Action, claims 1-19, 21-29 and 31-35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Published Patent Application No. 2003/0112952 to Brown *et al.* (Brown hereafter) in view of U.S. Patent No. 7,003,327 to Payne *et al.* (Payne hereafter) and further in view of U.S. Patent No. 5,559,860 to Mizikovsky *et al.* (Mizikovsky hereafter). Claims 1, 10, 11 and 21 stand objected to because of informalities. The objections and rejections are traversed in light of the foregoing amendments and the following remarks.

Response to Objections to claims 1, 10, 11 and 21

The Office Action objects to the recitation of the word "classification" in each of claims 1, 10, 11, and 21 because "claims 1, 10, 11, 21 has [sic] more than one classification scenario" and "the 'classification' used in the further limitations to the attempted incoming communication connection does not positively recite how the classification was performed." Office Action dated September 15, 2010, pages 3-4.

Claims 1, 10, 11 and 21 are amended to recite, *inter alia,* "determining whether the attempted incoming communication can be classified based on whether identifying information of the communication is recognized" and "classifying the incoming communication based on the identifying information when the identifying information is recognized", or analogous elements. Support for the amendments is provided in the specification at least in paragraph [0022] ("the

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device...makes a determination as to whether the incoming communication can be classified, as shown as decision 42, such as through detecting the presence of a Caller ID signal. If the incoming communication can be identified at decision 42, the process forwards...") and paragraph [0027] ("[t]he step of classifying the attempted communication connection can be through identifying the telephone number of a calling telephone"). Applicants submit that the amendments clarify the manner in which the classifications are performed. Accordingly, Applicants respectfully request withdrawal of the objections to claims 1, 10, 11 and 21.

Response to Claim Rejections Under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejections of claims 1-19, 21-29 and 31-35 for the following reasons.

Claim 1

Claim 1 is amended to recite, *inter alia*:

> ...a memory coupled to said processor, wherein the processor is configured to:
>> receive an attempted incoming communication connection;
>> determine whether the attempted incoming communication can be classified based on whether identifying information of the communication is recognized;
>>> *...request a user to input a classification for the attempted incoming communication* and determine whether the user responded to the request *when the identifying information is not recognized and no default response is associated with unclassified incoming communications....*

(Emphasis added). Support for the amendments to claim 1 is provided in the specification at least in paragraphs [0022] and [0027], as discussed above, and is further provided in paragraph [0023] ("if the incoming communication attempt cannot be classified...a determination is then made as to whether the user needs to classify the incoming communication....[i]n other words, the device may allow a certain type of call to pass to a default response, such as returning an audio message to the caller that the device does not accept unidentified callers"), paragraph [0024] ("the default value can ultimately be set to refuse all unidentified or unclassified incoming communication attempts"), and paragraph [0025] ("[i]f the user has not determined a response at decision 54, then the incoming communication connection attempt is allowed (or blocked depending on the default")).

The Office Action asserts that Brown discloses:

[A] cellular telephone comprising: having a processor…and a memory coupled to said processor, wherein the processor is configured to receive an attempted incoming communication connection, determine whether the attempted incoming communication can be classified using identifying information of the attempted incoming communication connection, determine whether a default response exists when it is determined that the incoming communication cannot be classified using the identifying information.

Office Action dated September 15, 2010, pages 3-4 (citations omitted). The Office Action admits that Brown "fails to explicitly disclose that the processor is located at a cellular telephone." *Id.* at page 4. To cure this deficiency, the Examiner cites to Payne. *See id.* at pages 4-5. However, as explained in Applicants' Amendment/Response dated June 30, 2010 and in Applicants' RCE and Response Under 37 C.F.R. § 1.114 dated February 8, 2010, Brown discloses methods and systems for connecting callers which are implemented in a call switching center, and *not* in cellular telephone processors. Applicants therefore submit that Brown does not disclose a cellular telephone configured to classify incoming communications and that no rationale exists to apply the teachings of Payne to the call switching center disclosed in Brown.

The Office Action further admits that the combination of Brown and Payne fails to disclose many elements recited in independent claim 1, including a processor configured to "request a user to classify the attempted incoming communication and determine whether the user responded to the request when it is determined that no default response exists" and to "allow connection of the incoming communication when it is determined that there is not a predetermined response to the attempted incoming communication or when it is determined that the user did not respond to the attempted incoming communication connection or when it is determined that the user did not respond to the request to classify." Office Action dated September 15, 2010, pages 5-6. To cure these deficiencies, the Office Action cites to Mizikovsky. *Id.* at page 6. Specifically, referring to lines 50-62 in column 7 of Mizikovsky, the Office Action asserts that Mizikovsky discloses a processor configured to "request a user to classify the attempted incoming communication and determine whether the user responded to the request when it is determined that no default response exists." *Id.* Applicants respectfully disagree.

Mizikovsky discloses:

An "electronic road map" which displays to the user a map of roadways selected by him…a traffic information supply service may transmit… information representing the locations of traffic congestion. To receive this information, the

> user operates keypad to enter to telephone number of that traffic information
> service and assigns thereto a cartographic display response category…when an
> incoming call is received from that traffic information service…information of
> traffic congestion is received and displayed.

Mizikovsky, col. 7, ll. 52-65 (internal citations omitted). Thus, Mizikovsky discloses that a user may pre-program a telephone number and assign to it a pre-programmed response, such that upon receiving a communication from that number the device provides traffic information about the user's selected travel route. However, Mizikovsky does not disclose that the cellular telephone, upon an attempted *unidentifiable* incoming communication, *requests the user* to provide a classification for the unidentifiable incoming communication. Mizikovsky therefore also does not disclose that the cellular telephone determines whether the user responded to the request.

Thus, regardless of whether Payne cures the stated deficiencies of Brown, the combination of Brown, Payne, Mizikovsky does not teach or suggest all of the elements of amended claim 1. Therefore, Applicants submit that claim 1 is patentable over the cited references. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 1 under 35 U.S.C. § 103(a).

Claims 10, 11, 21, and 33-35

Similar to claim 1, independent claims 10, 11, and 21 are amended to recite, *inter alia*, "requesting a user to input a classification for the attempted incoming communication and determine whether the user responded to the request when the identifying information is not recognized and no default response is associated with unclassified incoming communications", or analogous elements. As discussed above with respect to amended claim 1, support for the claim amendments exists at least in paragraphs [0022] – [0025] and [0027] of the specification.

As discussed above, Mizikovsky does not teach or suggest requesting user input when an incoming communication is not recognized. For the same reasons as discussed above with respect to claim 1, Applicants submit that claims 10, 11 and 21 are patentable over the combination of Brown, Payne and Mizikovsky, because the combination fails to teach or suggest each and every element recited in the amended claims. Accordingly, Applicants respectfully request withdrawal of the rejections of claims 10, 11, and 21 under 35 U.S.C. § 103(a). Since claims 33, 34 and-35 depend from allowable base claims 10, 11 and 21, respectively, Applicants

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submit that these claims are allowable for at least the same reasons. Accordingly, Applicants respectfully request withdrawal of the rejections of claims 33-35 under 35 U.S.C. § 103(a).

Dependent Claims 2-9, 12-19, 22-29 and 31-35

Dependent claims 2-9, 12-19, 22-29 and 31-35 depend, directly or indirectly, from one of amended independent claims 1, 11 or 21. Consequently, each of claims 2-9, 12-19, 22-29 and 31-35also recite, *inter alia* "requesting a user to input a classification for the attempted incoming communication and determine whether the user responded to the request when the identifying information is not recognized and no default response is associated with unclassified incoming communications", or analogous elements. Therefore, for at least the reasons stated above with respect to independent claims 1, 11, and 21 , Applicants submit that claims 2-9, 12-19, 22-29 and 31-35 are patentable over the combination of Brown, Payne and Mizikovsky. Accordingly, Applicants respectfully request withdrawal of the rejections of claims 2-9, 12-19, 22-29 and 31-35under 35 U.S.C. § 103(a).

CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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